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This document includes three addresses presented at a 1-day conference on collective negotiations in education. In his "Keynote Remarks," Dr. Herbert F. Johnson outlines three broad concerns affecting the collective negotiation process in New York: (1) Limited State, local, and Federal financial resources for education; (2) revolutionary actions of teachers, parents, and students, all desiring increased participation in structuring the educational system; and (3) the large number of school districts in the State and consequent diffusion of bargaining situations. In "Collective Negotiations: Challenges and Choices," James J. Richards stresses the need for adopting a cooperative approach to educational negotiations. Following an outline of factors contributing to both conflict and cooperation in negotiations, several structural and functional recommendations for achieving a problem-solving approach to negotiations are offered for use at the district level. Dr. John J. Keough summarizes the ideas presented by conference speakers and the reactions of conference participants during subsequent small group discussions. [Not available in hardcopy due to marginal legibility of original document.] (JH)

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COOPERATIVE NEGOTIATIONS

IN

EDUCATION

SUFFOLK COUNTY

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COOPERATIVE NEGOTIATIONS

IN

EDUCATION

A

REPORT OF PROCEEDINGS

CONFERENCE ON

TEACHER-SCHOOL BOARD RELATIONS IN SUFFOLK COUNTY

May 14, 1969

Sponsored by
The Institute for Staff Relations, New York University
in Cooperation with
The Suffolk County Regional Center
Patchogue, New York 11772
June 1969

KEYNOTE REMARKS

by

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I came out this morning on the Northern State Parkway. Traffic had been backed up for probably five miles and I realized all over again how congested the Metropolitan area can be. I reflected that back in 1966 on the first day of January at 5 o'clock in the morning the transport workers union of the City of New York struck the subway system. It was an historic event because it created such disruption in the city of New York, and anxiety in the office of the governor that he set up the so-called Taylor Committee to look into the question of what to do about strikes in public employment. You recall that the Committee recommended certain legislation to replace the Conlin-Wadlin Act, which was thought to be unenforceable because it was so restrictive and punitive. In 1967, the state legislature did enact what has come to be known popularly as the Taylor Law.

We have operated under this Law for approximately two years and I think all of us keep asking ourselves the question, "How has it worked?" I was out in Denver last year at the conference of the Commission of the States and many of the people there were very much interested in the question, "How does the Taylor Law work in New York?" Have you ever tried to answer that? It is a little bit hard. It depends on where you sit, and on what experiences you have had. But let me make just a few comments about it.

First of all whether there had been a Taylor Law or not, the drive toward some sort of professional negotiations in education was so strong that it would undoubtedly have come anyway or something like it would have come. In fact, in the spring and summer of 1967 - and before that time - a great many school districts entered into collective negotiations with their employees. In other states, the drive is equally strong and, as you know, there is even interest on the national level of making it nationwide. The Taylor Law was inevitable because you cannot deny public employees forever the basic rights which people in private employment have secured over a long period of time. This can't be done in our kind of society. The Taylor Law has made negotiations mandatory in the state.

One way of measuring the success of the Taylor Law is to find out whether we have had many strikes. We have had six in the State of New York in the 20 months of the Taylor Law. One of these occurred almost immediately when the law became effective. That was in the City of New York. The law became effective September 1, 1967 and it was not long thereafter that the United Federation of Teachers struck the city's school system. This strike, which occurred before the law was really in full effect, was caused by differences over policies and salaries. Then another of the strikes occurred last fall in New York City and I think everybody knows that story. It wasn't the usual kind of strike but a dispute over proposed decentralization. Apart from those two strikes in New York City there have been four others. Three of them were on Long Island and one in Westchester County - which indicates that much of the action has been in this Metropolitan area.

We have in this state something like 250,000 employees in the public schools represented by over 2,000 negotiating units. We have over 700 districts and we have contracts in virtually all of them. So out of the total number of districts, four strikes in almost two years is certainly a small number. By contrast in 1967-68 in the state of Michigan there were, I think, 45 strikes. And in Ohio and Illinois, there were 12 each so that some other states have had more disruptions of their schools. Now, I am not suggesting that this is good. I think any strike is bad and I am very much opposed to any disruptions in the case of children. I don't want anyone to read in my comments that I think that this is understandable and tolerable. But the number has been small.

We have various views of how the Taylor Law has worked out. Many school board members and school administrators feel that very real problems have resulted and there is much to be said for the views that they have expressed. The Empire State Federation of Teachers has generally felt - and I am probably oversimplifying its position - that the law has been too restrictive and that the tendency is for the power to reside on the side of the employers rather than the employees. Possibly so, but the Empire State Federation and its units have also expanded their influence and gained many concessions under the law. I think the New York State Teachers Association has taken a dim view of the loss of the length of time but also I talked with Howard Goold and Howard has changed his views somewhat. The New York State School Boards Association, which at first opposed legislation of this kind very strongly, came around to supporting the law and has set up a service to advise its people. Now, whether or not you can say it has worked out well depends on the individual situation and on the point of view that you have. Has it brought problems? Yes. I will mention three broad concerns which I think all of us have to consider.

One of these has to do with finances. As the chairman said, I have been around rather quite a while, and my recollections go back to the days of the depression. I can't remember any time when the financial stringency was greater. The depression years, were of course absolutely desperate. Here we are in a period of unprecedented expenditures, in the richest state of the nation, in a time of unparalleled prosperity and we are in greater financial trouble than we have ever been - and it seems to be getting worse. As our society develops, more of the things which we need have to be done by government and it costs more to do that.

Now, if you think about what our society needs, you say, "Do we need more television sets?" We already have more than anybody else. More automobiles? We can hardly handle the ones we have now. More telephones? More of almost anything? Of course, we can use more material goods. Of course, we will invent new ones. And of course, we will come up with other things that will please us. But that is not where the real need is.

The real need in our country is for such things as better health, for example. Eliminating or combating the pollution of our air and waters, better transportation, better education, better opportunities for recreation and a whole host of functions which have to be performed by government. And how do you perform them by government? You collect taxes from the people.

This is something which Americans don't like. We don't like to pay more taxes. Maybe, no people do, but certainly we don't. I have always had the theory that the Revolutionary War was not involved on the issue of taxation without representation, but simply on the issue of taxation. As governement undertakes more functions and as the cost of doing any one of these becomes greater as it does in all government, including education, the financial pinch gets greater. The resources are available if the people should decide to tax themselves vastly more heavily in the public sector. But, I don't see any great rush toward the acceptance of substantially heavier taxation than we carry on now.

Now the pinch is great at the local level, I don't have to spell that out. At the state level that pinch is great too. When the governor points out, as he did last year, that if we raise the taxes that we already have, we will tax ourselves out of competition with other states. He has a point. The income tax in the State of New York is already the highest in the nation. The sales tax is now getting up there, and business taxes are high. If you increase state taxes so that they are out of line with those in other states, then, of course, you have the tendency, as he says, to discourage people from residing here. It is not that simple, of course; we are oversimplifying, but there is something to that point.

So you look to the Federal government, which does have resources. We are spending an awful lot of it on the military at the present time and presumably some time we can reduce that. But knowledgeable people in Washington are not very optimistic that there is going to be a sudden flow of massive amounts of money to the states and the localities once we reduce the federal expenditures elsewhere. We are in for some difficulty on finances. Does this effect what we are talking about here today? Yes, I think it is one of the very real facts of life that we can't avoid.

The second concern that I have is that I think we have a flash of revolutions. Those of you who have watched the events in New York City probably have thought of this same part. I think that we have had a classic illustration of it last fall in New York City in the situation involving the United Federation of Teachers and the people in Ocean Hill-Brownsville.

The very thing that this conference deals with is the discussion of a revolution - a revolution of the public employee. For 100 years or so he has been trying to secure certain kinds of rights. There was a time when he had no rights. He could be fired at the whim of the employer and gradually he wanted Civil Service tenure. More recently he has won the right to sit down and bargain with his employers. That's a revolution, a real fundamental change in the way we used to do things.

Now, it happens there are other revolutions going on at the present time. Revolutions of parents. They feel that they ought to have something to say about their children. Last fall you had it epitomized particularly in the ghetto areas of New York City, where the revolutionary thrust was against the union, which was considered the establishment along with the Board of Education. The revolution of the upsurge of the aspiration of the parents where they demanded that they have something to say about the education of their children, including who was to teach them, ran head-on into the other revolution. Everybody has to recognize this, the employees have to recognize this. It's fun to be on the winning side; when you get there you wish you could be there for a while, but suddenly you find that maybe your side is being opposed pretty fast and maybe you are not on the winning side after all. This is discouraging but I think we have to recognize it.

More recently, of course, as we all know, is the revolution of the student who thinks that he ought to have something to say about his education as they do in the colleges. So the clash of the revolutions is the second item of concern. My third and final concern is that I am not at all sure we are properly set up to deal with this kind of development. The present structure of education in the State of New York began in 1812. (I wasn't here then, I'll tell you that). When the whole area of the state was carved up into school districts. Every

single square inch of land was placed in a school district and there were thousands of them. Gradually since that time we have reduced the number so that now we have about 700 operating districts and about 800 in all. Essentially the governance of education is in these 700 operating school districts. Other states have drastically reduced that down to just a handful of school districts. In New York State we have relatively many and most of them are small. Suddenly we thrust upon this structure, which has worked pretty well in some places and not so well in others, a whole new function of determining a policy in a cooperative relationship with the employees. Whether this is the right kind of structure for dealing with collective negotiations I don't know. I am going to venture the guess that if we observe the negotiating scene 10 years from now, we will be doing it quite differently. I think we will be doing negotiations on a regional basis and maybe even on a statewide basis. I am not predicting that necessarily; I am not advocating it necessarily; I am just saying that I think we will find that the present structure doesn't work out as well as it should in many of the places.

For one thing, there are simply too many negotiating situations so that there is a tendency for one to be affected by the happenings in another. This may be gratifying, if you are trying to play one against the other, but that is not the way that you should arrive at basic important decisions. Because, these should be based on something more substantial than the argument that somebody else in a certain place did a certain thing. It should be based on something more fundamental than that.

There is also the question of whether we can get a sufficient number of Board Members to serve in all of these districts and to serve with the wisdom and statemenship that we need. The more difficult the task, the more onerous and burdensome, the less likely we are to get high quality people to serve on such boards. Certainly, if we don't get high quality people, then our schools will suffer seriously from it. You can say the same to some extent at least with respect to school administrators. Finally, the stress and emotional conflict which occurs from bargaining in small units and constant comparisons gets in the way of the relationship between the very people on the educational staff who ought to be in cooperative relationship rather than an adversary relationship. So the question of whether we stay with the district structure we have now or whether we change is a very real concern.

Well, I have said enough; I think we should get on with the more important parts of your program. Let me conclude by saying that I am glad that the State Education Department is able to be of some small help in sponsoring or in helping make possible a program such as this. I am glad that our Title III ESEA Federal money is able to assist in this project and that Mr. Bowman and Mr. Simmons of that office are here

today and will be here through the day. We should recognize that collective negotiations are here and we shouldn't argue about that at all. They ought to be a good thing because if you look around this room or you look around any educational gathering we are talking about people of earnestness and dedication in all positions of education. They all have the same goal really, though sometimes they argue about how to reach it. But their goal actually is to find the best ways in these perplexing times to provide education for children . We have to find ways to learn to do that together. I am glad that cooperation is the subject of your conference. I hope it will be successful today.

Suffolk County Regional Center Conference
May 14, 1969

COLLECTIVE NEGOTIATIONS: CHALLENGES AND CHOICES

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Introduction and Theme Statement

Over a period of time, with endless repetition of any experience, a person can come to accept any situation as normal no matter how grotesque. As a nation, we come to accept as normal - war or cold war, slums, starvation, pollution, a ready and easy sex code or lack of it. What I come to challenge today is our acceptance that collective negotiations in education is by nature a conflict process - that anger, personal assault, suspicision, selfishness, impasses and strikes are a necessary part of the process. Why? Because this is the way it has been done for years, certainly since the early sixties in education, certainly during most of the history of labor relations in industry.

It is the contention of this speaker that the character of negotiations in education, not only can be but must be a cooperative process.

The traditional conflict negotiations operate on the assumption of a balance of power and implied that a party to negotiations will decide an issue to the degree that it can bring power to bear on that issue. The rational argument, the common interests of the parties and the needs of the schools per se take a secondary position to enforceable demands of either side to the negotiations.

The cooperative approach to negotiations operates on the assumption that every issue in negotiations is an issue of common concern, i.e., has an impact on everyone involved - students, staff, board and community. The focus is not on

how much one gains or loses, but on what happens to the school system, and most important, what happens to students. This is cooperative bargaining. The difference between the two approaches of negotiations is more than a difference in behavior and tactics, but fundamentally a difference in attitudes, beliefs, and values which provide the basis for behavior.

Current Negotiating Behaviors

In order to make sense out of this charge of inadequacy of the present conflict process of negotiating, we need to examine briefly the current practices in negotiations with its strengths and weaknesses, and then consider the reasons conflict exist, and finally what basis there is for claiming that negotiations in education can be a cooperative process.

A. Some facts and figures on current status of negotiations

1967-68: 170 impasses formally declared (54 on Long Island with 23 in Suffolk County) and four strikes with three on Long Island.

1968-69: Currently, 180 impasses declared with 45 on Long Island (23 in Fact-finding and 22 in Mediation).

To date, only 20 contract agreements have been completed on the Island, far behind schedule.

(Note: Information being reported as of May, 1969)

B. Current negotiating behaviors:

1. Strengths - of the process are that

   a. There is real participation in the decisions made by the board and administration, and not just consulation by the teachers. The interests of teachers as seen by teachers are being considered.

   b. People who are responsible for implementation of policy decisions are involved in those decisions.

   c. A formalized procedure has been established and accepted as

"legitimate" behavior for teachers; the prior haphazard arrangements and doubt associated with them have been removed. At least the basic relationships between board-administration and teachers have been defined by law and practice.

d. There is real sensitivity and awareness of the implications of decisions on teachers both as persons and as individuals and professional needs influence the decisions made.

2. Weaknesses - of the process are

a. The impasses and strikes it generates.

b. The limited areas of concern in negotiations, namely, the narrow scope of negotiations concerned primarily with salary welfare benefits and working conditions. In short, a focus on personal issues rather than professional issues.

c. The "employer - employee" orientation of the parties, rather than professionals concerned with a task of major social importance.

d. The potential bitterness and alienation generated between administration and staff. Emphasis is placed upon differences between parties rather than the common interests which dominate their relationship. Grievances, if numerous, are an expression of this tension generated and formalized through conflict negotiations.

e. The crisis bargaining typical of conflict negotiations which is intensified by the budget and teacher contract deadlines. Conflict bargaining mandates these tactics due to the advantages they bring in applying pressure to one or the other party.

f. The potential for annual confrontation with the likely disruption of the system - the size of the systems and the complexity of the relationships, make it highly vulnerable - easy to disrupt, but difficult to restructure as the New York City strike showed.

g. The potential for alienating the community and bringing the educational system into disrepute. Once community involvement impinges upon negotiations beyond its formal board representation, the potential for conflict and disruption of the system increases geometrically. Issues become diffused and exaggerated, <u>all</u> parties become subject to criticism, and reasoned solutions give way to expediency.

C. Basis for current conflict in present negotiations:

We see personal factors fostering a tendency toward conflict in negotiations:

1. The lack of trust of the opposing parties for one another. Each suspects the motives of the other in making proposals - in granting concessions. The by-word in negotiations is - "Be cautious of every proposal and counter proposal. What's really behind an offer or concession?"

2. Again, the lack of communication between the parties; they frequently do not understand or value the other's position, not in an intellectual sense, but in a psychological one. Each party comes to negotiations with a set of attitudes and values reflecting the particular role he plays within the system - for example, the board negotiators hold a management's perspective of running the district: "Our job is to make decisions; teachers' job is to follow them." Teachers feel they are held ultimately responsible for what happens in schools - and if responsible, both in facy and by professional inclination, they want to say so in how these schools are run. Each side needs to understand and value the concerns and needs of the other party. But in fact, little or nothing is ever done by the parties to develop such sympathies.

3. Closely related to lack of communication is the lack of interaction outside of formal negotiations between board and teacher negotiators. When do they get to know and understand each other as persons? Rarely, if ever. Consequently, the parties are predisposed towards conflict.

On a personal level then, lack of communication and lack of interaction foster the lack of trust between the parties thus inducing a readiness for conflict.

4. From another perspective, often the source of conflict lies in conditions outside the control of the parties or the confines of the school district: for example, the regional tax structure, the demographic ecology (socio-economic class structure), the industrial base of the district, etc. What this amounts to is saying that district resources are limited and far below the level of legitimate demands.

5. Add to this fact that conflict bargaining is a competitive process and it becomes clear that conflict reflects the intensified competition for scarce resources with priorities determined by the balance of power rather than need. A condition of scarce resources makes cooperative bargaining with its good intentions a strain at best, and conflict bargaining with its use of power, a process in which leaving reason and need come out second best.

6. Finally, a lack of adequate and accurate, factual information nourishes conflict. Accurate data is required on salaries, job descriptions, tax rates, revenues, projected enrollments, student achievement, teacher competence, program effectiveness, and so on. Often such data remain unavailable or its accuracy and interpretation in dispute among the parties.

Below these factors pervades the simple lack of experience of the parties in dealing in a collective bargaining relationship. This is a learning period and growth period for teachers and the board with its administrators. These novices to negotiations are only now becoming aware of the basics of negotiations, only now establishing "initial" working relationships.

In this process they are now identifying and setting the limits to negotiations:

1. The <u>who</u> of negotiations, meaning: Who makes up the bargaining unit? Which organization represents teachers? Who should negotiate - outside professional? Full-time staff personnel? What part should the superintendent play? the Board? the Principals?
2. The <u>what</u> of negotiations, meaning: The schop of negotiations. What is negotiable?
3. The <u>when</u> of negotiations: How far in advance of budget and contract deadlines?
4. The <u>how</u> of negotiations: What form should demands take? What are suitable pressure tactics and strategies? Strike? Impasse? Mediation? Fact-finding?

In short, what they are doing is defining through experience the "role expectations" of negotiators. The problem we face is that conflict and impasses result frequently from basic misunderstandings of what is expected and from ignorance in how to proceed.

These then are some of the roots of Confrontation, of which all are intensified by the process of conflict negotiations.

D. The basis for cooperation:

Now the obvious question follows: What is the solution? Our initial response has been to urge strongly that "cooperative" negotiations replace the prevelant "conflict" process of negotiations. Of itself, it is no panacea nor does it eliminate some of the roots of conflict, but it does, by its very cooperative nature and the behaviors it fosters in the parties, mollify sources of conflict.

But before discussing the specifics of "cooperative bargaining" some thought should be given to the basis for cooperative relationships between educational negotiators. What is there that is special or unique about education that it can or should avoid the traditional conflict negotiations of collective bargaining?

My optimism for a cooperative process in education lies in the very real commonality that exists between the administrators and teachers who most frequently make up the bargaining teams, and it can be exploited. There is a commonality in their college training, their teaching experience, their career commitment to education as a life time effort, in the very vertical mobility within the system, ie., all administrators are former teachers and teachers look to administration as the road to advancement. All of these lead to a similar belief and value system which sets the groundwork for understanding and trust which are so critical to a cooperative, problem solving model of negotiations. Even in a negative way we see them bound together by possessing a common "enemy" - both teachers and administrators along with the board are held accountable by the local community.

E. Cooperative Bargaining urged

Up to this point we have been attempting to lay the groundwork for a new tack in educational negotiations. To many it seems like pure naivete to suggest a "cooperative" approach when teachers for decades have faired poorly under it and have on the contrary achieved so much, so quickly under conflict bargaining. But the cooperative approach urged here does not mean an advisory and consultative relationship - clearly not a bargaining process under any definition - but a process where issues are <u>not</u> decided on the basis of power, rather where issues are raised and <u>mutually</u> decided on the basis of the <u>common</u> interests of all parties. Not "what can we squeeze out of the opposition" guides the choice of demands presented and tactics used, but "what is right, what is reasonable, and what is feasible under the present circumstances of this district?" This approach operates under the critical assumption that <u>both</u> sides, teachers and <u>the board</u>, cooperate. Should this not be true, teachers have no recourse but to employ the conflict process the board imposes upon them.

F. Activities to support cooperative bargaining

What remains to be considered are the activities necessary to support a cooperative or problem solving approach to negotiations. The selection of activities presented here, represents an effort to overcome specific sources of conflict discussed earlier.

I. Recommendations for Task Force Functioning

1. Workshops conducted by the Task Force in which

a. District negotiators (board members and administrators) and association negotiators (leaders of local associations) would be drawn from a wide, diverse area of the county for "skull sessions" on negotiations. The emphasis would <u>not</u> be on the processes of negotiations, but rather on the attitudes, values and beliefs of each of the groups categorized as management and employee. The diverse drawing area is intended to encourage open, free and frank exchanges between individuals. The controls over discussion topics couldbe rigid or lose depending on the particular purpose of the gathering.

b. A particular district would draw together its districts and association negotiators for an informal exchange of attitudes and values on general or specific topics. These sessions should be structures in such a way as to avoid or reduce the role relationship of the participants (management and employees) in order to maximize the frank interaction of the group members.

Rationale:

Small group theory indicates that much conflict and tension in and between groups is based on mistrust and suspicion. One way to reduce this source of tension is to provide a basis for trust built on understanding of the attitudes and values of individuals and groups. Even if there is disagreement, there is still an understanding of the motivation or rationale for the behavior of opposing groups. Tension and mistrust are reduced and a basis for cooperative, problem solving interaction increased. Note: the groups above would operate on the basis of sensitivity groups. These gatherings must be essentially small to permit active participation by all who attend.

2. The Task Force should possess resource personnel who could

a. Go out to a specific district to advise and consult on particular negotiating problems or techniques. This is not intended as consultation on a current negotiating problem or impasse, but rather a need felt by the staff or district negotiators based on past experience or anticipation of probelms to arise in the future. For example, how to set up and follow through on grievance procedures, or a health program.

b. Offer training seasions (1) on specific issues or problems that are sensed to be a common concern within the county among districts (2) with a sequential program which orients individuals to the negotiating process and the issues that arise with some techniques for resolution of conflict.

Rationale:

For an agency to influence others it must provide informational and training services; these provide the rationale and anticipated need satisfactions that will persuade individuals or groups to organize or function in the direction the agency encourages. Put simply, a person or group has to understand the system and be convinced that they will benefit from it.

II. Recommendations for structure and functioning at the district level (To achieve an integrative or problem solving approach to negotiations)

1. The negotiating council (made up of the management and association negotiating teams) should establish three committees:

   a. Economic resourses committee: (scope of concern) deals with the total economic resources of the community and of the school; the analysis and data obtained here should be the basis for salary and benefits recommendations, and even general budget recommendations. The committee would analyze the economic impace of recommendations from the other two committees.

   b. Management rights (or better still) School policy committee: deals with policy matters especially as they affect the working conditions of teachers: promotions, transfers, dismissals and hiring, evaluation and supervision, and the selection of administrators would be some of their concerns.

   c. Professional issues committee: deals with all matters identified as professional issues: school calendar, curriculum, textbook selection, innovations, and other such matters.

   There should be a careful effort to avoid duplication of scope of concern of each committee.

1.1 Structural description of these committees

   a. Size: kept small so that communication and active participation of all members will occur with the result that committee will be able to make decisions and produce information. Six should be maximum.

   b. Membership: divided equally between staff and administration.

   c. Chairmanship: held on a rotating monthly or bi-monthly basis.

   d. Seating: Alternate seating of each group (staff-administration, staff-administration, etc.) avoid grouping of members. (Note: the rationale here is important psychologically to reduce conflict by group identification. Attention of the committee should be focused on problems, not groups in relation to problems.)

1.2 Functioning of these committees

   a. Record keeping: no official minutes, or minutes in the traditional sense should be kept. Rather data gathered, observations made or conclusions drawn only should be maintained with the purpose only of use for later discussion and potential reports. It is important that individuals or subgroups (staff or management) not be identified with any information.

b. Reports produced: the purpose of the committees is to deal with issues and topics within their area of concern. Their task is to make as thorough an analysis of the problem as possible with suggested recommendations where feasible. These reports which are reports of the committee per se are provided to the negotiating teams.

c. Information gathering: it is assumed that members will not be familiar with every issue or problem dealt with; therefore, to maintain small size and yet possess expertise, the committee would call in knowledgeable individuals within the district to provide information and judgment.

d. Service function: the committees would be available to act on requests from the negotiating council or from either of the negotiating teams. Normally, information would be provided to both groups.

e. Meetings: these meetings would normally not be public and would be held <u>continuously</u> during the year; their funciton is to produce information and understanding of issues and problems or simply matters of concern within the district. Their sole concern shouldn't be issues before the negotiating council.

f. Voting: voting should be avoided as much as possible since it tends to create groups; if the committee is kept small and operates as a problem solving group, then concensus seeking should be the basis for any choices among alternatives facing the committee.

Rationale for the negotiating council committees:

If problems solving is to be emphasized, then continuous discussion of issues and careful consideration of implications is necessary to avoid "crisis bargaining." To emphasize the integrative aspects, these committees are neither district committees, nor union committees, but committees of the total negotiating council and operate as distinct entities and with distinct identities. The structure and functioning of these committees is such as to reduce reference group identity with either staff or management, but instead to stress the unity of the committee, and thus reduce conflict.

The purpose of the committees is to produce information, not to negotiate, which must be religiously avoided. Negotiating would reduce the committee to conflicting groups.

The professional issues committee would possess the most difficult task of attempting to have its report and recommendations considered and acted upon by the negotiating committee <u>outside</u> of the normal negotiating period; preferably well in advance of it. Professional matters are not suited to conflict resolution. Ideally, the staff team would sit eith the district team of negotiators as advisors reacting to the report of the total committee.

The communication bridge between staff and management provided by these committees would tend to reduce conflict generally within the relationships of these groups since the understanding of the thinking and motivation behind the behavior of each group creates a sense of trust which carries over into all of their contacts.

Note: Several districts within a county may have a community of interest due to similar problems or characteristics within a contiguous geographic area. Such districts could ideally set up joint areas committees to deal with specific issues on an ad hoc basis or permanent committees for continuous study of problems.

2. Informal interaction of the negotiating teams: in order to reduce the distance (psychological) between the management and staff teams and build bridges of understanding and trust as discussed above, shortly prior to the beginning of formal negotiations (a month perhaps), the teams should get together for an informal gathering such as a dinner, a barbacue, a cocktail party or whatever. At the first gathering, nothing to do with negotiations should be discussed at all. The focus should be on simply becoming acquainted as persons, being sensitive to individual characteristics and mannerisms.

   The second informal gathering should be concerned specifically with understanding each other's philosophy (belief and value systems) on negotiations, management rights, employee rights, professionalism and the nature and purposes of schools. These topics form the basis for discussion, but should not be treated formally or sequentially. There should be a natural discussion between individuals in small groups or pairs taking the discussion whereever it leads as might occur in any informal meeting. Explanation of one's view is only desired, not persuasion or argumentation.

3. The presence of a third party at negotiations from the very first meeting. His function would be to act as a quasi-chairman with the purpose of keepting the parties negotiating and directing them away from polarized positions; occasionally he would make suggestions and react to questions, but always informally. He is a facilitator similar to a judge only to the extent that he attempts to moderate an adversary proceeding between opposing parties, keepting the trial of an issue moving to its conclusion. He should avoid acting as a formal fact-finder or mediator or arbitrator for the negotiators since this would potentially put him in conflict with one or both teams and destroy his effectiveness as a moderator.

4. The meeting place for negotiations should be as neutral a place as possible. Ideally, this would involve using facilities not under control of the district or staff association. District facilities tend to provide a psychological advantage to the district team and may provide the conditions for antagonisms leading to a "readiness" for conflict. The staff negotiators should not have to "come to" the district negotiators as someone requesting favors, but the two teams should "come

together" to meet mutual needs and solve mutual problems. Again, emphasis on the integrative aspects.

5. Impasse procedures: the intent here in structuring an organization and process is actually to delay as long as possible the arrival of impasse: as it occurs at one level of negotiations, to move it to another with the hope that agreement, compromise or trade-off will occur.

   Level #1. The regular staff and district negotiating teams The board members must not be on the first level teams.

   #2. The staff team appeals to the full-board for impasse resolution.

   #3. Should impasse persist, "back-up negotiating teams" for each side, which should be established groups by the time negotiations begin, will attempt to resolve the impasse. The idea here is that not only is a new level of resolution created, but it removes personalities that may have become involved and impassioned to the point that they lose their perspective and sense of judgment. The issue may become a personal matter (of honor), rather than an object or problem of mutual concern.

   #4. Should impasse still persist, then, a second appeal to the board.

   #5. Third party involvement:

      a. Referral for recommendation and immediate action by the joint committee of the negotiating council described earlier that may have provided information originally.

      b. A special ad hoc committee with outside specialists and perhaps, one representative chosen by each of the teams with the others all mutually acceptable.

      c. Normal third party advisement; fact-finding, mediation, and arbitration.

      d. Where suitable, a public hearing by all interested parties within the system and community. If feasible, obtain the sentiment of the community by an impartial poll. This level of third party involvement would be very tenuous and dependent upon local conditions.

   #6. Implement mutually acceptable pressure tactics:

In order to avoid polarizing groups to the point where compromise is impossible and bitterness destroys all compatible working relationships between the teams, there should be a listing of "mutually acceptable pressure tactics" that the staff associations could freely implement at this stage of impasse for a reasonable period of time (a month, perhaps). The trade-off for the district is that the staff association would give up the right to strike (even though it may be illegal). The understanding is that the district would accept these tactics as "legitimate" behavior, even though not desirable and, perhaps, painful and embarassing --there would be no advantage to them if they were not. Such behavior as the following might be considered:

(1) Picketing the district office during non-teaching hours.

(2) Releasing one or two staff members from each school during the school day for picketing at district offices or even schools.
(Note: the picketing is intended for publicity, not to prevent teachers from entering the schools.)

(3) Partially shutting down the schools or a slowdon in that only classes would be taught, but all other school activities would be terminated: all sport, club and after-school activities would be discontinued including all faculty and department meetings. All supervisory duties, not required for the safety or welfare of students, would be discontinued, as well as all those assignments that can be transferred over to administrative personnel.

(4) Sanctions applied against the district as used by the NEA. Use should be made of the NEA process for removal of the sanctions which calls for an ad hoc committee.

This sixth level is critical if a strike, illegal as it is, is to be avoided. Note that the concept of acceptable pressure tactics stresses, again, the mutual consent of the parties so that the integrative process is stressed even in confrontation.

The point to note throughout this is that even in confrontation a cooperative process is stressed with the welfare of the students still the primary consideration in decisions.

Conclusions

These considerations bring us full circle to our initial point - Have we become in education so accustomed, so soon to a conflict process of negotiations that it appears to be the "natural" and the only way that bargaining can realistically be carried out? Has our American instinct for creativity dulled to the point of not being able to visualize a new and better way of doing something? Conflict bargaining is like waging a small war. I say it takes less of a man to fight a way and a hell-of-a-lot more man to end one and deal with people in peace and cooperation.

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SUMMARY

Dr. John J. Keough

The purpose of this meeting is to consider and discuss the possibilities of school board-teacher negotiations, principles and procedures based on cooperation rather than conflict. My task today is to summarize the thinking of the educators present.

Before doing that I would like to make one observation. This group is composed of most sides at the bargaining table - teacher negotiators, school board negotiators, management and middle management. Often of late, I have learned from a superintendent that he had been president of the teacher's organization when he was in the classroom. He is like the restaurant owner who kept up his membership in the waiters' union - to remind himself that that was how he started. However, when the union went on strike, the owner got a notice to report for picket duty at his own restaurant, or face a $100 fine.

We were honored to have to begin this morning Dr. Herbert Johnson, our newly appointed Deputy Commissioner for Elementary and Secondary Education, share with you his thoughts regarding the State's role in teacher - school board negotiations. Dr. Johnson was well qualified to do this, not only because of his new position in the Department, but also because of his long association with this topic of negotiations (see pg. 1). Dr. Johnson's keynote remarks set the stage for the theoretical framework that Dr. Jim Richards presented to us.

Dr. Jim Richards contended that the character of negotiations in education not only <u>can</u> be, but <u>must</u> be a cooperative process. He pointed out the common interests of the parties and the needs of the schools should not take a secondary position to enforceable demands of either side in negotiations. Jim Richards maintains that every issue in negotiations is an issue of common concern, that is, it has an impact upon staff, board, community, and especially, students.

Jim Richards went on to outline the current practices in negotiations with its strengths and weaknesses and then considered the reasons conflict existed, and finally, looked at some ways in which this process could be cooperative in nature.

Dr. Richards offered us some solutions that would lead toward more cooperation. In talking about cooperation, he did define it as, "A process in which issues are not defined on the basis of power, but rather where issues are raised and are maturely decided on the basis of the common interests of all parties." He pointed out some activities that are necessary to support a cooperative or problem-solving approach to negotiations. He suggested workshops that might be conducted to bring together district and association negotiators for skull sessions. He also suggested that if resource personnel might be available to go out and provide planning resource consultation and offer training sessions and be available for mediation of disputes. Dr. Richards also pointed out the need for data--reliable data about what's happening in other districts in contracts, salaries, welfare benefits, tax rates and enrollment trends. Reliable, un-biased data could go a long way towards minimizing friction in the negotiation process.

He also outlined a procedure that might be followed within each district to foster this cooperative relationship.

Finally, participants today had an opportunity to react and discuss in small groups these ideas presented by Jim Richards. During the small groups' discussions, I had an opportunity to visit each of the groups, also the chairman of each small group discussions shared with me what they believed to be the principal ideas discussed within their group. Here they are: I heard...

1. Favorable reaction to two teams--second team replace first when the personality factors caused flare-ups.

2. Need to involve community more--School Board members don't always represent the public--need to involve School Board in PAX project.

3. Need to educate teacher negotiators and even some board members in understanding financial problems of district.

4. About one school district that gave "x" amount of dollars to a teachers' committee to spend on extra curricular items.

5. Key words are "mutual trust"--committees working throughout year to come up with the contract.

6. Task Force should develop a paper on why school attorney's should not be used--another group thought they should be used. Perhaps it is the attorney who is used--some are good and others bad.

7. Meaning of "professional" discussed.

8. Belief in cooperation but recognition that conflict has increased salaries--conflict has been a maturing thing but no need to continue.

9. Disagreement over what is negotiable--suggestions made that a committee might first resolve this in the district.

10. Policy handbook in addition to negotiating agreement as means to remove some issues from table.

11. Study committees for unresolved issues rather than going to impasse.

12. Third party concept is a good one--citizen, professionally trained, etc.

Today was just the beginning. It is not just another one-day conference or one-shot attempt to solve all the problems in an area of critical need in this Suffolk region. Today's conference is meant to share information and to be a beginning. The New York State Education Department, through its Center for Planning and Innovation, has indicated that funds will be available to provide professional staff to give us some help in seeking innovative solutions to collective negotiation problems. Hopefully, the project which is called "Personnel Agreements Experiment"-PAX for short-should get underway at the outset of the coming school year. We are optimistic that this kind of help will bring about a truly cooperative negotiations relationship.

To guide the professional staff working on the project, a Regional Task Force on collective negotiations will be formed. This Regional Task Force will include representatives from school boards, teacher organizations and administrative organizations as

well as qualified neutrals. The task force will be advisory to the professional staff. It is hoped that through this project, creative approaches to teacher-school board negotiations will come about. Information services, consulting help, experimental programs tried on a pilot basis might result.

Finally, I wish to say that the Suffolk County Regional Center was pleased to cooperate with New York University's Institute for Staff Relations in presenting today's conference. Thanks to you--Suffolk educators--for taking the time from your work to attend today's meeting. Congratulations are in order for Dr. Michael Talty, my able associate who served as master of ceremonies.

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